

David Stebbins (pro se Plaintiff) 123 W. Ridge Ave., APT D, Harrison, AR 72601
(870) 212-4947 acerthorn@yahoo.com

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:23-cv-00322-TLT

GOOGLE, LLC

DEFENDANTS

NOTICE OF APPEAL

Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Notice of Appeal in the above-styled action.

The Court committed reversible error in the following ways:

1. Finding the first factor of fair use to weigh in favor of the defendants.
2. Finding that Google is not a commercial entity for the purposes of the first factor of fair use.
3. Finding that the second factor of fair use weighs in favor of the defendants for no reason other than the fact that she just felt like it.
4. Finding that the direct infringer did not use the heart of the work without stating the reasons why she came to that determination.
5. Finding that the fourth factor of fair use favored the defendant simply because it (the defendant) made the uncorroborated determination that it wasn't a market substitute.
6. Failing to consider the equitable doctrine of unclean hands, despite that counter-defense being properly put before the Court.
7. Denying leave to amend the complaint.
8. Summarily declaring me a vexatious litigant on grounds that were never before the court in the first place.
9. Declaring me a vexatious litigant after only two cases were terminated in my disfavor.
10. Finding that I had violated the law by recording a 26(f) conference with the defense counsel, without the defense counsel's knowledge or consent, when both I and the defense

counsel were in one-party consent states.

11. Summarily punishing me for recording the call without giving me due process first.
12. Denying motion for leave to file a motion for reconsideration and motion to vacate judgment.
13. And many other reversible errors.

So notified on this, the 29th day of March, 2024.

/s/ David Stebbins
David Stebbins (pro se)